



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
June 13, 2016
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on June 13, 2016 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice-Chairman, MaryJo Wiltshire, Charles Polacco, Robert Jacobsen and Jonathan Korn

BOARD/ALTERNATE MEMBERS ABSENT: Jamie Mills and William Tubby.

OTHERS PRESENT: Suzanne Cahill, Planning Director, Kyla Haber, Assistant Planner.

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

NOTE: All speakers during the open public speaking period spoke about Item#10 - #32 Abeel Street & 33-39 Abeel Street – the proposed Irish Cultural Center

Maya Lopeck – 42 Abeel Street – Has concerns with the Irish Cultural Center. She is all for cultural centers but has concerns that the scope does not fit the area or the historic uses. Noise, lighting, vehicle and foot traffic, and parking are all concerns. Events in the Rondout are overwhelming and the noise and influx of people on a daily basis does not fit. The City could

end up regretting this building if it is approved. Trees have been removed from the property, soil testing has occurred on site, and rocks along Company Hill Path and West Strand are falling. The neighboring buildings could be in trouble.

Merle Bornstein – Resides in in Olive, owns a restaurant at 97 Abeel Street – Is extremely concerned about parking. Parking is only allowed on 1 side of the street near her business. Without enough parking, businesses struggle. The calculated parking should require 150 spaces instead of 51 spaces. There is talk of shuttling people but in reality, people only take shuttles when all the available parking spots are taken. The traffic and noise are not a good fit for Abeel Street. Also, will ICC be paying taxes? Last year the taxes for the Armadillo were \$19,000. There are 19 employees and sales tax was \$60,000. The ICC received \$1.5 million in discretionary funding from Kevin Cahill. All members of the AOH and those related should recuse themselves from voting on anything that pertains to this proposal. She would like to see a membership roster. Lastly regarding economic development, the labor that will be working on this project will be mostly volunteers, there is no economic development or jobs created by this project. How will the unions feel.

Emily Flynn – 28 Browning Terrace – Size and scope of the project is too large. The building will not blend. The size should be minimized. The Planning Board is urged to issue a Positive Declaration.

Rachel Horsheck – 105 Hunter Street – Has concerns about the size and the scope of the project and the impact that it would have on parking and noise. She uses Company Hill Path regularly and there are problems with the retaining wall. She has concerns that the project will not fit in with history and visually with the neighborhood.

Merle Bornstein – Forgot to mention the woodchucks and how they are undermining the properties in the area.

Owen Harvey – Is a neighboring resident – Zoning codes exist for a reason, to ensure a holistic approach to development. Codes should be adhered to. The project will have a negative impact on noise, traffic, and odor and will be a strain on infrastructure. Residential homes neighbor this property. Protect the safety and integrity of the Rondout District.

Hillary Harvey – The minutes from the May meeting read as being biased against what her husband Owen was saying. The minutes seemed to imply that he was requesting a zoning change which was not the case.

Warren Replansky – Attorney for some of the neighbors – Asked the Zoning Enforcement Officer for a determination on the zoning code as to whether the ICC is an allowed use. He received a letter today, from Joe Safford which stated that it is an allowed use but offered no reasoning to support the determination. He will be appealing the decision to the Zoning Board of Appeals.

Vice-Chairman John Dwyer closed the open public speaking.

NOTE: Chairman Wayne Platte arrived late and took over chairing the meeting.

Item #2: Adoption of the May 9, 2016 Planning Board minutes and May 23, 2016 Special Planning Board meeting.

Discussion: Chairman Platte asked the Board if they had time to review the minutes from the previous meetings. The Board agreed that they read the minutes and proposed no changes.

Decision: The Board voted unanimously to approve the minutes from the May 23, 2016 Planning Board Meeting and the May 23, 2016 Planning Board Meeting.

PUBLIC HEARINGS:

Item #3: #625 Broadway SPECIAL PERMIT renewal for a gasoline station. SBL 56.109-3-15.100. SEQR Determination. Zone C-2, BOD. Ward 4. Kamran Khan/applicant; Cheekam King, LLC/owner.

Discussion: No one spoke at the public hearing. C. Wong was present at the meeting. The proposal is to renew a special permit for operation of a gasoline station. The most recent special permit was issued for 3 years in June 2013.

There have been no changes to the permit and none are proposed at this time. S. Cahill asked the applicant about a vehicle that is regularly parked on the sidewalk along Henry Street. C. Wong said that it is an employee that parks there and that she will talk to him about parking in a different location that will not prohibit pedestrian traffic.

A police incident report was received from the Police Department showing a number of incidents. Many of the incidents are for motor vehicle issues with parking or traffic at the intersection of Henry Street and Broadway. The remainder of the incidents are mainly for disturbances, check welfare, alarms, disputes, and thefts. After reviewing, the Board agreed that several of these incidents were not affiliated directly with the actual business, but the reference is made to the street address.

There are no issues listed with the Building Safety Division.

The Board discussed a term for the special permit. The most recent renewal was for 3 years. The applicant requested that the permit be increased to 5 years. The Board agreed that they would continue the 3 year term.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it can be categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review by the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 3 years to expire on June 13, 2019, with all original conditions carried forward, and advising the applicant or employees not to park along the sidewalk area. (WP, RJ, JD, MW, CP – yes)

Item #4: #322 Albany Avenue SPECIAL PERMIT renewal for a 3 room Bed and Breakfast. SBL 48.318-1-4. SEQR Determination. Zone R-2. Ward 2. Ryland Jordan; applicant/owner.

Discussion: No one spoke at the public hearing. Ryland Jordan, owner, was present at the meeting. The application is to renew the special permit to operate a 3 room Bed and Breakfast. The parcel contains two structures; a large single family home with attached garage area and a two family structure. B&B's are permitted by special permit on Albany Avenue with the condition that the business complies with all the requirements listed in section 405-45 of the zoning code.

W. Platte asked how the business was going. R. Jordan said that he is happy. He said that he has had good occupancy in May and that he is headed into a good June.

Staff advised the Board that there have been no complaints and no issues with the BSD or the Police Department.

R. Jacobsen asked if the home was still on the market. R. Jordan said that it was. R. Jacobsen stated that he would like the new owners to apply for a special permit if the property sells and the use continues.

The Board discussed a term for the special permit. Under the current zoning code a Bed & Breakfast use requires annual renewal by the Planning Board. The Board agreed to the 1 year term.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year to expire on June 13, 2017 with all original conditions carried forward. It was also stipulated that if the property sells, the new owner will need to apply for a special permit renewal to continue the B&B use. (WP, RJ, MW, CP, JD – yes)

Item #5: #85 Hone SPECIAL PERMIT to establish an art studio. SBL 56.42-11-12. SEQR Determination. Zone RT, HLPC, HAC. Ward 9. Daniel George/applicant; City of Kingston/owner.

Discussion: No one spoke at the public hearing. Daniel George, purchaser, was present at the meeting. Chairman. Platte congratulated D. George on his successful bid of the Rapid Hose Fire House. The applicant is purchasing the building based on an auction by the City of Kingston on May 12, 2016. Deeds have not been filed yet, at this time the City of Kingston is still the owner and Mr. George is required to obtain certain approvals.

W. Platte asked the applicant to explain his plans for the property. D. George stated that he moved to Kingston 2 ½ years ago and that he also has a studio in Brooklyn. He would like to move his studio to Kingston and has been looking for the right space. When the fire house became available, he thought it would be the right fit. At this time, he does not plan to change the interior significantly.

D. George stated that he has 40 years' experience as a professional artist. The operations to be carried out include drawing, painting, model-making, small scale 3-D artwork and some furniture. There will also be office work related to contracts with public authorities purchasing commissions. The Board asked about noise generated. D. George said that the loudest tool that he would be using would be a small mini grinder. Works hours would typically be 11am-6pm, M-F although he may be there earlier.

W. Platte asked whether there was any work planned for the exterior of the building, noting that there is no property around the building for maintenance. D. George said that there is no work planned at this time. W. Platte asked if he has approached any neighbors for access. D. George said that he has not had any discussions.

The Board asked about refuse. D. George said that there would not be excessive refuse created and that everything that was created could be hauled easily or set curbside for regular pick-up.

W. Platte reminded the applicant that he needs to gain approval from the Heritage Area Commission for a Waterfront Consistency Approval under the LWRP (scheduled for 6/22/16) and that if there are any exterior changes to the building, the Historic Landmarks Preservation Commission will also need to review the proposal as well.

The Board discussed a term for the special permit. There is no limit on this type of permit. The Board agreed to issue an initial two year term.

A determination of environmental significance was discussed. The application was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review by the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 2 years, expiring on June 13, 2018, with the following conditions: approval from the Heritage Area Commission with an LWRP Consistency approval, work hours between 9am-6pm, M-F; Board Policy 6, and no additional employees. (WP, RJ, JD, MW, CP – yes)

Item #6: #670 Broadway SPECIAL PERMIT renewal for an apartment in the C-2 Mixed Use Overlay District. SBL 56.25-1-19. Zone C-2, MUOD, BOD. Ward 4. Rosa P. Merchan-Ayavaca; applicant/owner.

Discussion: No one spoke at the public hearing. Rosa Merchan-Ayayaca and a friend/translator were present at the meeting. The application is to renew the special permit for an apartment on the second floor of a building in the mixed use overlay district. The ground floor of the building is commercial.

The Board asked if there were any changes to the permit. The applicants said that there are no changes and the tenant is the same as during the previous renewal.

Staff told the Board that there have been no issues with the BSD or the Police Department. The property is landlord registered with the Building Safety Division. There are periodic inspections by BSD.

A term for the special permit was discussed. The initial term for residential in the Mixed Use Overlay District is limited to 1 year. After the first year the Board can increase the term as they see fit. The applicants have been through the initial year with no issues. The Board agreed to a 5 year term.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 5 years to expire on June 13, 2021 with all original conditions carried forward. If ownership changes, the new owner will need to return to the Board to apply for the permit. (WP, JD, MW, CP, RJ – yes)

NEW BUSINESS:

Item #7: **#65 Johnston Avenue** REQUEST for 2nd Curb Cut. SBL 56.106-1-9. SEQR Determination. Zone R-1. Ward 1. Joshua & Meghan Williams.

NOTE: Board Member Mary Jo Wiltshire recused herself from the review based on her relationship as a coworker with J. Williams.

Discussion: Josh and Meghan Williams were present at the meeting. They explained that they would like to install a second driveway along the side of their house on Johnston Avenue. They have a driveway in the rear of the property along Main Street that accesses a small garage/shed. A driveway next to their house, similar to other houses on the street would be more convenient.

The Board advised the applicants that a permit from the Department or Public Works is required and that any bluestone that is removed should be protected, set aside and given back to the City for the bluestone bank. This would be the owner's responsibility. W. Platte asked about drainage, advising the applicants that all runoff will need to remain on site and not be directed to neighboring properties. J. Williams said that their property is lower than the neighbor and that directing the drainage should be easy and will be addressed accordingly.

The new driveway will be asphalt with an asphalt apron. The slope where the driveway meets the sidewalk will need to conform to ADA standards. The applicant was reminded that the front yard setback is 15'.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the 2nd curb cut with the following conditions: drainage to be directed away from adjacent property owners, a permit from DPW, bluestone to the City for reuse, sidewalk sloped to meet ADA standards, 15' front yard setback, Board Policy #6. (WP, JD, CP, RJ, JK – yes; MW – recuse)

Item #8: **#345 Clifton Avenue** REQUEST for 2nd Curb Cut. SBL 48.74-4-21. SEQR Determination. Zone RR. Ward 7. Glenn Schwenk; applicant/owner.

NOTE: Board Member Robert Jacobsen recused himself based on his relationship as attorney during the purchase of the home.

Discussion: Glenn Schwenk was present at the meeting. The applicant explained that he is seeking a second curb cut to create a horseshoe driveway for purposes of parking his boat. He is hoping to pave the additional driveway space as soon as possible. He explained that it is very difficult to reverse the boat into the driveway from the street. The horseshoe will allow him to pull around and drop the boat off in front of the house.

The applicant applied for and received a variance from the Zoning Board of Appeals on May 17, 2016 for parking in the front yard setback. The variance was issued with two conditions: receipt of the second curb cut approval from the Planning Board, and parking of the boat trailer in the front yard limited to April 1st – November 1st.

The new portion of the driveway will be asphalt to match the existing section. The applicant was advised that runoff should be directed to private lawn areas rather than to the street. G. Schwenk agreed that this would not be a problem.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the 2nd curb cut with the following conditions: compliance with the conditions of the variance (parking of boat between 4/1 & 11/1), drainage to remain on site, and Board Policy #6. (WP, JK, MW, CP, JD – yes; RJ – recuse)

OLD BUSINESS:

Item #9: **#253 Lucas Avenue** SITE PLAN amendment to construct a 1-story structure to contain a mikvah. SBL 56.88-2-11. SEQR Determination. Zone O-2. Ward 1. Congregation Chabad of Ulster County; applicant/owner.

Discussion: Staff explained that the applicants were not present due to a religious holiday which staff was unaware of. The application is to amend the originally approved site plan to construct a slightly larger 1 story structure to house a mikvah (ritual bath).

The original proposal was to construct a 1-story, 845sf structure. The current proposal increases the structure to 1020sf. A two-story framed house exists on the site. The existing structure was used as a doctor's office and will remain office space for the congregation.

Staff showed the Board the previous plan and the current site plan drawn by Liscum McCormack VanVoorhis LLP, dated 3/2/16. The Board reviewed the elevation drawings as well, noting that the building will look similar to a garage with the top of the roof being approximately 20' high. The building will have Hardieplank siding with fiber cement shakes on the upper part to add interest. The roof will be architectural shingles.

The plans show the interior layout with waiting rooms, mikvah areas, prep rooms, and a mechanical and laundry area. The mikvah requires a certain amount of natural water that has not been containerized. This water will be accommodated with rain collection. The remaining water will be obtained from the City of Kingston system. Discussions on constructing a well

had taken place, however, the applicants have decided that they are not pursuing a well. Water will not be changed daily. The water usage will be similar to that of a pool or hot tub in that it will be changed periodically.

No signage is proposed. Any lighting will need to be submitted and reviewed to ensure that it does not interfere with the residential properties in close proximity.

Parking – The original plans showed 4 spaces in two different locations accessed off Vorhees Avenue. The rear parking lot contains two spaces, one of which is a handicap space. There is a second driveway proposed noted to accommodate 2 additional spaces, however, the spaces are back to back which does not qualify one toward the full count. Additional parking is located across the street in the synagogue parking lot. An agreement will be provided to utilize parking spaces across the street.

Storm water for the site will need to be considered. The new construction and parking areas will increase the amount of impervious surface on the site. Stormwater will need to be directed so that it stays on site and does not affect adjacent property owners.

Board Policy #6 will need to be signed on the plans by the owner. Board Policy #5 will apply if the parking areas are to be gravel requiring the owner to maintain them.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan to construct a 1-story structure to contain a mikvah with the following conditions: submission of agreement for parking across the street at property owned by the applicants, storm water kept on-site, compliance with setback requirements, and Board Policies 5 and 6. (WP, CP, JD, MW, RJ – yes)

Item #10: #32 Abeel Street & 33-39 Abeel Street SITE PLAN to construct a 16,889sf community center. SBL 56.43-5-35.100 & 56.43-3-27. SEQR Determination. Zone RT, Rondout Historic District, HAC. Ward 8. Irish Cultural Center Hudson Valley Inc.; applicant/owner.

NOTE: Board Member John Dwyer recused himself due to his affiliation with Irish Cultural Center.

Discussion: Ronald Pordy, attorney; Brad Will, Architect; Matthew Rudikoff, Planner, and Robert Carey, Irish Cultural Center representative, were present to represent the application.

R. Pordy began the presentation by stating that the area being discussed is a mixed use neighborhood. Great thought has gone into this project. 18 parking spaces are proposed on the immediate site, with another 23 parking spaces proposed as additional parking at 33-39 Abeel. Therefore, the applicants are asking for a formal waiver of 16 spaces. R. Pordy stated that the project meets all the bulk requirements for the site. The building will be built in such a way that only the top 2 floors will be visible from Abeel Street, the bottom floor will be built into the hill, abutting the Company Hill Path area and West Strand. They listened to all concerns and comments which were raised during the open public speaking and feel confident that these issues will be addressed for the benefit of the entire Rondout neighborhood. It was stated very clearly in the EAF that shuttles will be utilized for event parking from remote parking lots.

B. Will added that the proposal is consistent with the Rondout District and its use is in scale and design. The total height is roughly equal to the Broadway/West Strand buildings. The second floor is lower than the 1st floor of neighboring buildings. The design is set into the slope of the property and is a more modern take on previous the previous structure which existed on the site. The new building is being constructed to be energy efficient and because of the construction technique will also mitigate sound from escaping. Exterior walls will be poured concrete with brick exterior. There will be two windows on the west side and a delivery door and no windows on the east side. All major spaces will be interior to the building, with hallways and other minor/accessory uses surrounding. The entire design will reduce noise from escaping the building. B. Will explained the floor plans and layout of the building. The ground floor will consist of a 184 seat theater with a green room for setup, and bathrooms. The main floor will house a pub & tea room with 80-85 seats, and the upper floor will have capacity for approximately 150. There will be 2 kitchens for events. The green roof will grow vegetables and plants that could be used in the kitchens.

B. Will added that the building will be zero net energy. He presented the Board with a PV panel to illustrate the proposal to use them as railings around the green roof. He added that the depression that someone had mentioned being a sink hole on the property is part of the natural shape of the land. The retaining wall adjacent to Company Hill Path will be restored and reconstructed utilizing and preserving the existing stone.

M. Rudikoff stated that the proposed use and location of this property fits in with many plans that the City has produced for the Rondout, the LWRP, the BOA, and the Comprehensive Plan.

B. Will mentioned that the AOH has been using shuttles for their special events for a long time and with a lot of success.

R. Pordy explained that the proposal to complete the project in two phases is due to the City zoning code not permitting parking as a primary use on a lot. This is something that should be changed in all commercial districts. The zoning code does not allow commercial property owners to create parking by buying additional lots. We are trying to address the issue of off street parking. Under the current zoning, parking waivers are permitted.

Building heights will be lower than the adjacent properties. This is a mixed use neighborhood, the proposed use makes sense in this neighborhood. A lot of thought went into this project, the intent is not to disrupt the neighbors. The building is designed to front on East Strand. Every property owner has the right to develop whether it is a not-for-profit or not is irrelevant. Hopefully there will be spillover to other business in the area from this center.

J. Korn asked how deliveries and entertainment will be delivered. B. Will stated that there will be a delivery door on the west side of the building. All deliveries will be made off of Abeel Street and into the parking area. There will not be any deliveries on West Strand.

B. Will added that the lights will be full cut off fixtures. Fences will be added for privacy and screening. He showed the Board a historic photo of the paymaster's house that was located at the top of Company Hill Path. He explained that the ICC design was meant to replicate some of

the design features. The ICC will be of brick and bluestone with circular windows. The ICC will be a year round facility as are most community based buildings.

M. Rudikoff, as the applicant representative, stated what the anticipated procedure for Planning Board should be. S. Cahill noted that the only action on the table is to declare Lead Agency Status under the SEQRR review process. A resolution has been prepared and made available to the Board for review and consideration.

B. Will added that the ICC parking lot will also have an electric charging station for electric vehicles.

J. Korn asked why the agenda lists the property as an Abeel Street address when the building will be facing West Strand. Why is it not a West Strand address?

R. Pordy explained that the building has frontage on both streets but that all deliveries and mail will be directed to Abeel Street. The address is the legal address for the location for mail delivery and 911 purposes and is assigned by the City Assessors Office. In addition, R. Pordy, and S. Cahill confirmed, that a determination was submitted by the City Building Safety Division, concurring that there is frontage along the West Strand. This communication has become part of the record.

Decision: The Board voted unanimously to adopt the “Resolution of the City of Kingston Planning Board Declaring Lead Agency Status for the Irish Cultural Center Hudson Valley #32 & 33-39 Abeel Street (SBL 56.43-5-35.100 & 56.43-3-27) in the SEQRR Process Under NYCRR Part 617”. The Board voted to table all other decisions. (WP, MW, CP, RJ, JK – yes; JD – recused)